

ORDINANCE NO. 040624-67

AN ORDINANCE NOMINATING A PROPOSED HOME DEPOT DATA CENTER TO THE ECONOMIC DEVELOPMENT & TOURISM DIVISION OF THE GOVERNOR'S OFFICE AS AN ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE ACT, IDENTIFYING POSSIBLE LOCAL INCENTIVES, AND DESIGNATING A CITY LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings. The city council finds that:

- (A) Home Depot has requested that the city council nominate a proposed Home Depot Data Center for designation by the Office of the Governor's Enterprise and Tourism as an enterprise project under Chapter 2303, Subchapter F (*Qualified Businesses and Enterprise Projects*) of the Texas Government Code.
- (B) The proposed project is not located in an area designated as an enterprise zone.
- (C) The proposed Home Depot Data Center meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F (*Qualified Businesses and Enterprise Projects*) of the Texas Government Code because:
 - (1) Home Depot Data Center is a "qualified business" under Section 2303.402 because it will be engaged in the active conduct of a trade or business at a qualified business site within the City's jurisdiction, located outside of an enterprise zone, and at least 35 percent of the business' new employees will be residents of qualifying census block groups or economically disadvantaged individuals.
 - (2) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area.
 - (3) The designation of the proposed Home Depot Data Center as an enterprise project will contribute significantly to the achievement of the City's plans for development and revitalization of the area.
- (D) The tax relief and other incentives offered by the City for the Home Depot Data Center are justified on the grounds that it will create a higher level of employment, economic activity, and stability.

- (E) A public hearing to consider designation of the Home Depot Data Center as an enterprise project was held by the city council on June 24, 2004.

PART 2. The city council nominates the Home Depot Data Center to the Governor's Office of Economic Development and Tourism for designation as a triple jumbo enterprise project.

PART 3. The city council may elect to make the following local incentives available to the Home Depot Data Center, subject to the terms of an Economic Development Agreement under Chapter 380 of the Local Government Code:

- (A) For a period of ten years, abatement or rebate of city property taxes on:

- (1) eligible personal property included in the enterprise project; and
- (2) increase in value of real property improvements.

- (B) Austin Energy incentives of up to \$445,000 in equipment and services.

PART 4. The city council designates the director of Economic Growth and Redevelopment Services as the City's liaison, with the authority to:

- (A) communicate and negotiate with the Office of the Governor's Economic Development and Tourism through the Texas Economic Development Bank and the Home Depot Data Center; and
- (B) oversee communications with qualified businesses and other entities affected by the enterprise project.

PART 5. The enterprise project shall take effect on the date that the Home Depot Data Center is designated as an enterprise project by the Governor's Office and terminate five years from that date.

PART 6. This ordinance takes effect on July 5, 2004.

PASSED AND APPROVED

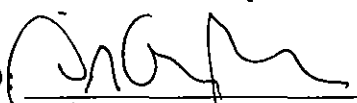
_____, June 24 _____, 2004

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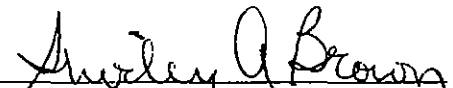
Will Wynh
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk